

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NERY ACABAL-GUINAC,

Defendant.

No. 14-CR-99-LRR

**ORDER REGARDING  
MAGISTRATE'S REPORT AND  
RECOMMENDATION  
CONCERNING DEFENDANT'S  
GUILTY PLEA**

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***I. INTRODUCTION AND BACKGROUND***

On September 9, 2014, a three-count Indictment was filed against the defendant Nery Acabal-Guinac. On September 12, 2014, the defendant appeared before United States Chief Magistrate Judge Jon S. Scoles and entered pleas of guilty to Counts 1, 2 and 3 of the Indictment. On September 12, 2014, Judge Scoles filed a Report and Recommendation in which he recommended that the defendant's guilty pleas be accepted. No objections to Judge Scoles's Report and Recommendation were filed. The court, therefore, undertakes the necessary review of Judge Scoles's recommendation to accept the defendant's pleas in this case.

***II. ANALYSIS***

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's report and recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:


The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **ACCEPTS** Judge Scoles's Report and Recommendation of September 12, 2014, and **ACCEPTS** the defendant's pleas of guilty in this case to Counts 1, 2 and 3 of the Indictment.

**IT IS SO ORDERED.**

**DATED** this 29th day of September, 2014.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA